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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,643	07/21/2003	Wilfried Eberle	028987.52342US	9975

23911 7590 12/17/2004

CROWELL & MORING LLP  
INTELLECTUAL PROPERTY GROUP  
P.O. BOX 14300  
WASHINGTON, DC 20044-4300

EXAMINER

BOCHNA, DAVID

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/622,643

Applicant(s)

EBERLE ET AL.

Examiner

David E. Bochna

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7,8,10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4,8,10 and 11 is/are allowed.
- 6) ☒ Claim(s) 1,3,5 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 5-7, 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Bartholomew.

In regard to claim 1, Bartholomew discloses a device for providing wall ducts for conduits, tubing or electric cables for motor vehicles, wherein each conduit, tube or electric cable in an area of a wall duct contains a coupler, the coupler comprising two coupler halves, first coupler halves 18, respectively, being jointly held in the device for providing wall ducts,

wherein at least two first coupler halves 18, respectively, are held together by a bracket 20,

wherein plugs 26, 28 for receiving the first coupler halves are provided in orifices 14 of a wall, and

wherein the first coupler halves 18 are held in the plugs 26, 28, wherein the plugs 26, 28 are made of elastic rubber material and are combined into groups (there is a group of two plugs 26, 28 on plate 20).

In regard to claim 3, the plugs 26, 28 contain steps 40 which act together with protrusions provided in the first coupler halves 18, in a snap-fit fashion.

In regard to claim 5, Bartholomew discloses a device for providing wall ducts for conduits, tubing or electric cables for motor vehicles, comprising:

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a coupler provided for each of the conduits, tubes or electric cables in an area of one of the wall ducts, each coupler comprising first 18 and second 74 coupler halves,

a bracket 20 by which at least two first coupler halves are jointly held together, and plugs 26, 28 for receiving the at least two first coupler halves provided in orifices 14 of a wall, wherein at least two first coupler halves are held in at least two of the plugs, wherein the plugs 26, 28 are made of elastic rubber material and are combined into groups (there is a group of two plugs 26, 28 on plate 20).

In regard to claim 7, the plugs contain steps 40 which act together with protrusions provided in the first coupler halves 18, in a snap-fit fashion.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi.

In regard to claim 1, Takahashi discloses a device for providing wall ducts for conduits, tubing or electric cables for motor vehicles, wherein each conduit, tube or electric cable in an area of a wall duct contains a coupler, the coupler comprising two coupler halves, first coupler halves 8, respectively, being jointly held in the device for providing wall ducts,

wherein at least two first coupler halves 8, respectively, are held together by a bracket 6, wherein plugs 4 for receiving the first coupler halves 8 are provided in orifices of a wall 2, and

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wherein the first coupler halves 8 are held in the plugs 4 and are combined into groups (the plugs are arranged in groups of 5). Takahashi does not disclose that the plugs are made of an elastic rubber. However, it would have been obvious to make the plugs out of elastic rubber because the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

In regard to claim 5, Takahashi discloses a device for providing wall ducts for conduits, tubing or electric cables for motor vehicles, comprising:

a coupler provided for each of the conduits, tubes or electric cables in an area of one of the wall ducts, each coupler comprising first and second coupler halves, a bracket 6 by which at least two first coupler halves 8 are jointly held together, and plugs 4 for receiving the at least two first coupler halves provided in orifices of a wall, wherein at least two first coupler halves are held in at least two of the plugs 4 and are combined into groups (the plugs are arranged in groups of 5). Takahashi does not disclose that the plugs are made of an elastic rubber. However, it would have been obvious to make the plugs out of elastic rubber because the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

#### ***Allowable Subject Matter***

5. Claims 4, 8, 10 and 11 are allowed.

#### ***Response to Arguments***

6. Applicant's arguments filed 11/8/04 in regard to the Bartholomew reference have been fully considered but they are not persuasive. Applicant argues that Bartholomew does not

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disclose the pipes being combined into groups, however, Bartholomew discloses two pipes being combined into a group on plate 20, as described above.

7. Applicant's arguments with respect to rejection of claims 1 and 5 in view of Takahashi have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

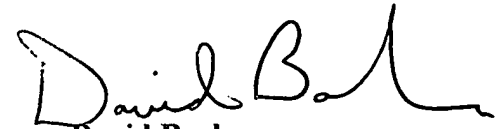
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Bochna whose telephone number is (703) 306-9040. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

A handwritten signature in black ink, appearing to read "David Bochna". The signature is fluid and cursive, with the first name "David" and last name "Bochna" clearly distinguishable.

**David Bochna**  
**Primary Examiner**  
**Art Unit 3679**  
**December 13, 2004**